



## Flathead County Planning & Zoning

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Telephone 406.751.8200 Fax 406.751.8210

# RECEIVED

MAR 19 2020

FLATHEAD COUNTY  
PLANNING & ZONING OFFICE

### CONDITIONAL USE PERMIT APPLICATION

*Submit this application, all required information, and appropriate fee (see current fee schedule)  
to the Planning & Zoning office at the address listed above.*

FEE ATTACHED \$ 385.00+75.00 for GIS

#### PROPOSED USE (as described in the Flathead County Zoning Regulations):

Gravel Extraction- which includes processing materials within the area that is to be mined through crushing, screening,  
asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials.

#### OWNER(S) OF RECORD:

Name: Section 16 Family Limited Partnership Phone: 406-249-3377  
Mailing Address: 2335 West Valley Drive  
City, State, Zip Code: Kalispell, MT 59901  
Email: lindatutvedt@gmail.com

#### PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: Rob Koelzer, Schellinger Construction Co, Inc. Phone: 406-892-2188  
Mailing Address: PO Box 39  
City, State, Zip Code: Columbia Falls, MT 59912  
Email: robk@schellingerconst.com

#### LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street  
Address: 3427 Farm To Market Road S 16 T 29N R 22W  
Subdivision Tract Lot Block  
Name: \_\_\_\_\_ No(s). \_\_\_\_\_ No(s). \_\_\_\_\_ No. \_\_\_\_\_

1. Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):  
West Valley Zoning District
2. Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. IF CRITERIA ARE NOT APPLICABLE, PLEASE EXPLAIN WHY. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:



**A. Site Suitability.**

The site is suitable for the use. This includes:

- (1) adequate usable space

The site is currently permitted through the DEQ Opencut Mining Program. There is an approved conditional use permit with Flathead County that allows up to 320 acres be permitted for gravel extraction, with the stipulation that only 80 acres be active at any time.

- (2) adequate access

There is a paved 200 foot approach to the site on Farm to Market Road. This is a requirement of the current approved conditional use permit with Flathead County.

- (3) absence of environmental constraints

The approved DEQ Opencut Mining Permit addresses all of the environmental impacts through the Opencut Mining Act and its rules.

**B. Appropriateness of Design.**

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

On site parking areas are available for employees and customers, outside of the traffic route.

- (2) traffic circulation

Truck and loader traffic will be limited to the access on Farm to Market Road. There will be heavy travel to and from the pit. Two hundred feet of the approach is paved. There is adequate area within the site for circulation.

- (3) open space

There are no specific open space requirements in the zoning regulations for this type of use.

- (4) fencing, screening

Fencing is installed to prevent livestock and wildlife from entering the site. Topsoil and overburden berms are bermed to a minimum height of 8 feet and serve as a visual and sound barrier.



(5) landscaping

Berms are seeded to prevent erosion and noxious weed infestation.

(6) signage

Signage has been installed to alert vehicular and pedestrian traffic to the presence of heavy truck travel.

(7) lighting

Any lighting will be directed downward to minimize light pollution and extinguished each day at the end of operations, with the exception of limited security lighting.

**C. Availability of Public Services and Facilities**

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

(1) sewer

Portable toilets will be utilized. No septic system will be installed.

(2) water

An on-site well with the appropriate water rights has been established and will be used to provide water for processing operations at the site. No significant impact on water services is anticipated as a result of this development.

(3) storm water drainage

The site is mined in such a way that no water leaves the site. The site drains internally.

(4) fire protection

The West Valley Volunteer Fire Department will provide fire protection. Impacts to the fire department are anticipated to be minimal. Fire extinguishers are located on all equipment and water is readily available.

(5) police protection

This property is in the service area of the Flathead County Sheriffs Office. Impacts would be minimal. Routine patrolling will not occur and response times may be delayed due to the rural location of the area.



- (6) streets

Additional traffic will be generated as a result of this use. Access is onto Farm to Market Road, ½ mile south of Church Drive. Farm to Market Road is built to State standards. The access is paved and permitted.

**D. Immediate Neighborhood Impact**

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation

"Trucks Entering" signs have been placed to alert oncoming traffic to trucks entering and exiting the access road on Farm to Market Road.

- (2) noise or vibration

Noise will be reduced by the eight-foot berms created by the overburden and topsoil. Blasting operations are expressly prohibited. Mufflers shall be installed on all generators to dampen noise.

- (3) dust, glare or heat

Water spraying and road maintenance will reduce dust impact. Extractive Industries are required to abide by Montana Department of Environmental Quality regulations governing air quality and particulate matter.

- (4) smoke, fumes, gas, or odors

The extraction process will generate some odors and increased fumes will result from additional truck traffic.

- (5) inappropriate hours of operation

The hours of operation outlined in the existing Opencut Mining Permit are 7am to 7pm, Monday through Friday and Saturday from 7am to 2pm. No exception will be made for expanded hours allowed under DEQ regulations.

3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" and "Performance Standards" as outlined in Chapters 4 and 5 of the Flathead County Zoning Regulations:

**4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics**

**4.02 Bed and Breakfast Establishments/Boarding Houses**

**4.03 Camp or Retreat Center**

**4.04 Caretaker's Facility in SAG-5, R-2.5, RR-1 and R-1 Districts**

**4.05 Cluster Housing Development in Residential Districts**

**4.06 Commercial Caretaker's Facility in B-2, B-3, BS, I-1, I-1H, and I-2 Districts**

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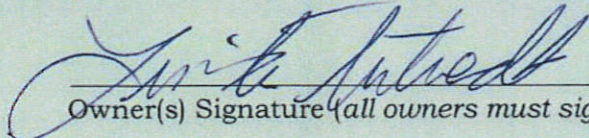
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses
- 5.06 Home Occupation
- 5.11 Short Term Rental Housing

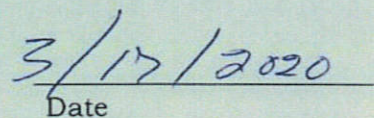
**INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:**

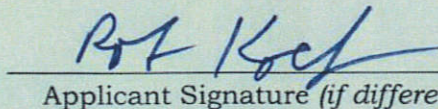
1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A separate fee made out to 'GIS' for the 'Adjoining Property Owners List'. The list will be sent directly to the Planning & Zoning office and is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
  - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

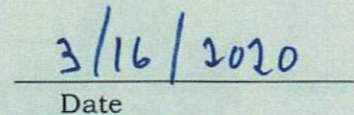
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*I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.*

  
Owner(s) Signature (all owners must sign)

  
Date

  
Applicant Signature (if different than above)

  
Date